

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN MAYER, individually and as trustee of
the May 1991 Charitable Unitrust, NANCY
MAYER, individually and as trustee of the Mayer
1991 Charitable Unitrust,

Plaintiffs,

v.

LEXINGTON INSURANCE COMPANY,
a Delaware corporation, and DOES 1 through 20,
inclusive,

Defendants.

No. C 12-04888 WHA

**ORDER GRANTING
UNOPPOSED MOTION FOR
LEAVE TO FILE AN AMENDED
ANSWER**

On February 25, 2013, defendant Lexington Insurance Company filed a motion for leave to file an amended answer. The motion was made several days before the deadline for seeking leave to amend set by the case management order (Dkt. No. 16). The proposed pleading adds seven additional affirmative defenses. According to defendant, plaintiffs were willing to stipulate to all but one of the additional defenses. Defendant claims that the additional defenses are based on newly discovered evidence regarding the alleged criminal convictions of the principals of JSW Financial, Inc., a company through which plaintiffs allegedly made a series of investments and which is insured by defendant. The information was not available to defendant prior to filing its answer, and defendant was not on notice of such information based on the allegations in the complaint.

